

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

CHARLES "CHAD" CAIN, III, §
Plaintiff §
§
v. § CIVIL ACTION NO. 4:20-cv-00442-O
§
ALEDO INDEPENDENT SCHOOL §
DISTRICT, FRED COLLIE and §
DR. SUSAN BOHN §
Defendants. §

DEFENDANTS' REPLY TO PLAINTIFF'S RESPONSE TO THE
MOTION TO DISMISS BY DEFENDANTS FRED COLLIE AND SUSAN BOHN

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Defendants Fred Collie and Susan Bohn and file this Reply to Plaintiff's Response to the Motion to Dismiss by Defendants Fred Collie and Susan Bohn. In support thereof, Defendants show the Court as follows:

I.

1. Plaintiff failed to sustain his burden to overcome Defendants' entitlement to qualified immunity.
2. In response to Defendants' motion, Plaintiff mischaracterizes facts and evidence.
3. Plaintiff's objections to Defendants' motion lack merit and should be overruled.
4. In response to Defendants' motion, Plaintiff declined to address many of Defendants' legal arguments. Plaintiff failed to address the Defendants' entitlement to official immunity and statutory immunity. In addition, other than cursory treatment and requests for an opportunity to replead and additional discovery, Plaintiff failed to address the procedural and substantive due

process, equal protection, petition, association, and assembly claims.

5. Plaintiff has not stated claims for the violation of his constitutional rights.
6. Plaintiff has failed to establish that his constitutional rights were clearly established.
7. Plaintiff provides the Court no existing precedent that placed the statutory or constitutional question at issue beyond debate or evidence that every reasonable official would understand that what they were doing violates the law.
8. Plaintiff is not entitled to amend his pleadings or obtain additional discovery.
9. Defendants Collie and Bohn request judgment on all of Plaintiff's federal claims brought pursuant to the remedy provided by 42 U.S.C. § 1983 in addition to the state law causes of action brought against them in these proceedings.
10. In accordance with Northern District Local Rule 7.1(d), Defendants filed a Brief with the Court setting forth their contentions of fact and law, as well as their argument and authorities that support this reply, which are incorporated herein.

WHEREFORE, PREMISES CONSIDERED, Defendants Collie and Bohn pray this Court grant their Motion to Dismiss and dismiss all of Plaintiff's federal constitutional claims, Texas constitutional claims, and claims brought pursuant to 42 U.S.C. § 1983 which were asserted against them.

Respectfully submitted,

/s/Bridget Robinson
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of July, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/Bridget Robinson
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